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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,316

10/11/2003

Douglas G. Nelson

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06/09/2006

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EXAMINER

COLLINS, TIMOTHY D

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,316

Applicant(s)

NELSON, DOUGLAS G.

Examiner

Timothy D. Collins

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-58, 61-67 and 69-73 is/are pending in the application.
- 4a) Of the above claim(s) 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-58, 61-67 and 69-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

NOTE: While any delay in prosecution is regrettable, upon further review and consideration, a new grounds of non-final rejection is made below.

Election/Restrictions

1. Claim 68 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species ii, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/14/06. In response the applicant's argument that no undue burden is presented, the examiner maintains that these are species and the applicant is entitled to ONE species unless an allowable generic claim exists, in which case they will be rejoined at that time if a generic claim is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 56,58,63,64,66,67 and 69 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by FR 2584842 (called 842).

a. Re claim 56, 842 discloses detecting a potential imminent threat (as seen in the panic button) and in response giving control to the robotic autopilot.

- b. Re claim 58, 842 discloses a remote control after entry into security mode.
- c. Re claims 63 and 64, 842 discloses disabling manual control and deactivating manual control of the robotic autopilot and inputting flight data and landing instructions from the ground as seen in the remote control systems of 842.
- d. Re claims 66 and 69, 842 discloses an indication of a distress event (pushing of the panic button or operation of panic button by detection of cardiac acceleration. Also 842 discloses disabling on board control, disabling control of the autopilot onboard and inputting flight path data remotely through the robotic autopilot.
- e. Re claim 67, 842 discloses that the panic button or detector is on board the craft.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 57,65, and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over 842 as seen above in view of USPN 5526265 to Nakhla (hereinafter called 265).

f. Re claim 57, 842 does not disclose automatically selecting a nearby airport and automatically redirecting the craft to such airport, however 265 does teach of this. Note that the claim merely calls for automatically selecting and rerouting, not actually automatically controlling the craft to get there. 265 discloses the redirecting the craft and selecting at least in the abstract.

Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of 265 into the device of 842 so as to redirect the craft by way of the remote control of 842 by using the management computer of 265 so as to find an alternate landing site as seen in 265, for the purpose of finding better alternatives to the previous landing area for safety.

g. Re claim 65, 842 does not disclose using position information to compare with a list of airports and landing sites or determining a path to get to a predetermined landing site, however 265 does teach of this. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of 265 into the device of 842 so as to redirect the craft by way of the remote control of 842 by using the management computer of 265 so as to find an alternate landing site as seen in 265, for the purpose of finding better alternatives to the previous landing area for safety.

h. Re claim 70, 842 does not disclose using position information to compare with a list of airports and landing sites or determining a path to get to a predetermined landing site, however 265 does teach of this. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings

of 265 into the device of 842 so as to redirect the craft by way of the remote control of 842 by using the management computer of 265 so as to find an alternate landing site as seen in 265, for the purpose of finding better alternatives to the previous landing area for safety.

i. Re claim 71, 842 as modified does not disclose that the system will choose from a list of military airports, however it does state that it will choose the closest one in the event of a fuel problem, or hear attack on board. Therefore it would have been obvious to one of ordinary skill in the art that military airfields could be included as a safe place to land in the event of an immediate emergency on board the craft so as to minimize the danger from the event causing the necessity to land.

6. Claims 61 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over 842.

j. 842 does not disclose deactivating on board communications however it is old and well known in the anti-hijacking art to disable communications so as to decrease possible leverage that terrorists may have with those in control of aircraft. Therefore it would have been obvious to one of ordinary skill in the art to have disabled communication so as to decrease possible leverage that terrorists may have with those in control of aircraft.

7. Claims 62 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over 842 in view of USPN 6092008 to Bateman (hereinafter called 008).

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k. 842 does not disclose that the flight data recorder data is sent to a ground station, however 008 does teach of sending flight data recorder data to a ground station at least in the abstract and also in column 4 at lines 54-62 and column 8 at lines 33-37, also see column 1 lines 60-67. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of 008 into the device of 842 so as to aid and significantly reduce the time it takes when investigating an aircraft accident as taught by column 2 in lines 3-10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy D. Collins
Patent Examiner
Art Unit 3643

6/7/06